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SUBJECT: ASYLUM SEEKERS IN POLAND- PART 1: THE BASICS

Summary:

¶1. (U) Poland,s accession to the Schengen area, permitting open travel within much of Europe, and its geographical location on the Eastern border of the European Union, have had a large influence on the number of Eastern Europeans (especially Chechens) seeking asylum in Poland. As the number of asylum seekers increases, the GOP works hard to streamline the application process, as well as to adjust its assistance programs and facilities to better respond to the needs of asylum seekers. This is Part I of a two-part cable pertaining to refugees. Part I provides a basic overview of the refugee situation in Poland, including statistics, a description of the application process and forms of assistance. Part II will further explain Poland's policy and expected legislation in regards to asylum seekers. The reports are based on information compiled from meetings with UNHCR representatives, the Ministry of Interior,s Office for Foreigners (OFF) briefings, discussions with NGOs covering refugee assistance as well as field visits to asylum centers.

The Process

¶2. (U) The Ministry of Interior,s Office for Foreigners (OFF) is responsible for overseeing and coordinating Poland,s asylum request procedure. Asylum seekers interested in applying for refugee status have to fill out an application and submit it to OFF, which has six months to issue a decision. The decision may be appealed through the Council for Refugees. During the status request procedure or appeal, foreigners are entitled to assistance from the state while awaiting decision, including accommodation and meals in the centers or outside (in the case of medical and family exceptions), as well as medical care.

¶3. (U) Most first time applicants (80.5%) apply at the border, specifically near the Terespol border crossing, while returning applicants reapply in Warsaw (92%). Terespol, one of the busiest border crossings between Ukraine and Poland, is known as the entry point for those arriving from Russia. Chechens in particular find this entry point into the EU logistically convenient, since most of them travel through Moscow by direct train to Terespol. The border crossing at Terespol has an established process of handling these cases and provides asylum seekers with appropriate information on how to apply for status and report to the central refugee reception center.

Refugee vs. Tolerated Status

¶4. (U) The OFF may either grant refugee status to the applicant or give permission for a "tolerated stay." Refugee status is granted to persons who meet the criteria of the 1951 Geneva Conventions on the Status of Refugees and its 1967 Protocol. Those granted refugee status receive an international passport allowing them to leave Poland, and are

entitled to assistance programs. The assistance programs include social benefits as well as an adaptation program that provides additional funding and assistance for immersion into Polish society such as language training and help with job search. Persons who are refused refugee status may be granted a status of "tolerated stay," which is similar to a residence permit allowing applicants to remain and work in Poland. People with tolerated status are not eligible for state assistance, therefore many tend to reject the tolerated status and resubmit their application for refugee status.

The Numbers and Statistics

15. (U) Although the main country of origin of refugees is the Russian Federation, and more specifically, Chechnya, there a handful of asylum seekers from Belarus, Ukraine and Pakistan. In the first nine months of 2007, 5,201 persons applied for refugee status, out of which 2,991 were first time applicants and the remainder reapplying for status. The 2007 numbers are comparable to 2006. During this period, 148 persons were granted refugee status and 2,300 were given permission for tolerated stay.

16. (U) Most re-applicants are asylum seekers who were already granted a permit for tolerated stay. The percentage of those reapplying has continued to increase, jumping from 2% in 2004, to 24% in 2005 and to 46% in 2006. Based on current Polish law, a person granted tolerated status must vacate the refugee center and no longer has access to state assistance. If an applicant appeals the decision and reapplies for refugee status, his or her state assistance and accommodation at the reception center continue. It may take up to another six months for the case to be reconsidered and there is no limit to how many times an individual is allowed to reapply,

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suggesting that the majority of re-applicants are motivated to prolong their stay in reception centers and other related social programs.

Reception Centers for Asylum Seekers

17. (U) The OOF currently runs 17 reception centers that accommodate asylum seekers. The majority of these centers are located in central and eastern Poland, with the main center in Debak, near Warsaw. Three of the centers are owned by the Office for Aliens and the remaining 14 are rented.

18. (U) Newcomers seeking asylum at the border are given information about the main center in Debak, where they are directed to for processing and assistance. Once in Debak, they submit the formal paperwork for asylum, and applicants undergo medical exams and counseling. They also become eligible for social assistance, including: accommodation, food, medical and legal services, clothing, pocket money and for public transports. The center has a capacity of 300 people, and provides access to cooking facilities, TV rooms, playgrounds and places of worship for its residents. At the center, asylum seekers also have the opportunity to enroll in Polish language classes and have access to a computer center and its resources. The center continues to be at full capacity, with recently as many as 100 new arrivals a day.

19. (U) After the in-processing period, which in general lasts a week, people are reassigned to one of the remaining 16 centers where they continue their wait for a decision on their asylum request. As of mid-October, 4,223 asylum seekers (up from 3,250 during the same period last year) were being housed in the reception centers. Most of these centers are former workers hotels, or have a dorm style set-up with a shared bathroom and kitchen facilities. Each center also has a language teacher, medical doctor and a counselor available to assist the residents; however, maintaining such a staff in

the centers seems to be a continuing challenge. In Polish reception centers on average, there is one social worker for every 200 people, whereas in most EU countries the ratio is one to 50.

¶10. (U) Overall, the GOP spends 30 PLN per day per person for its reception center population, excluding medical care. Medical care for asylum seekers is costly for the GOP, since many of the asylum seekers are either victims of trauma or violence, and had limited or no access to medical care prior to arriving in Poland. The GOP spends twice as much money on medical care per asylum seeker as it does per Polish citizen.

¶11. (U) An asylum seeker who is not able to reside in the center for some specific reason can apply for funding to cover his or her daily living expenses outside the center. Currently, 733 asylum seekers live outside the centers while financially supported by Polish authorities. In this case, a single person receives 25 PLN per day and a family of three 60 PLN per day.

A Destination or a Transit Country

¶12. (U) Polish officials are aware that the majority of people requesting refugee status consider their stay in Poland temporary and that they hope later to proceed to a richer EU state, with higher social and integration assistance. Low pay, few job opportunities and lack of affordable housing represent additional challenges asylum seekers face in Poland, making neighboring countries more attractive.

¶13. (U) For many asylum seekers Poland is the entry point into the EU. However, many asylum seekers with the intention of going further west run afoul of the new Dublin II Regulation, which establishes the criteria for the asylum process and prevents "asylum shopping" by ensuring only one EU state will adjudicate any given application. Dublin II permits the return of asylum seekers to the country of "first application," namely Poland in the case of those who move on from here. Since Poland is the eastern border of the EU, it is the original recipient of many of the asylum seekers from the East and is responsible for the majority of those whose initial stop was Poland. Many who go on to other countries are therefore returned to Poland, so called "Dublin-II-ed," when seeking asylum in a second country. Only in exceptional cases will a second country be responsible for processing the asylum seeker and not return them to Poland. In 2006, a total of 682 aliens were returned to Poland, mainly from Belgium, France Austria, the Czech Republic and Slovakia. This year, as of October tenth, 1,057 new requests for the return of asylum seekers have been submitted by other EU Member states to Poland.

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¶14. (U) Some asylum seekers do decide to return to their home country by taking advantage of the voluntary return program implemented by Polish authorities in cooperation with the International Organization for Migration (IOM). The program ensures the travel of those who wish to return to their places of residence and provides support for their reintegration. The interest in the program is growing. Within the last two years, approximately 500 foreigners, mainly large families and the elderly have taken up the opportunity.

Comment

¶15. (U) "Is anyone left at home?"--asked a Chechen woman during our recent visit to the reception center in Debak. The number of refugees searching for a better life--an hoping to move on once Poland's joins Schengen--continues to rise, while the GOP works hard to provide appropriate assistance to those in need. To handle the increased flow of arrivals, OOF

will be shortly opening an additional center. There is legislation pending that would provide additional assistance and access to integration programs for all. The fact that Poland is due to join the Schengen zone as of December 21, 2007 has sparked a discussion amongst refugee experts on how it will influence asylum seekers and migration patterns. The rumor of stricter entry laws into Poland after December is quickly spreading, which could explain the sudden increase of asylum seekers in recent months. Part 2 of this cable will further explain Poland,s policy and expected changes and legislation to better deal with the new phenomena of asylum seekers. End Comment.

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